



DHC/IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles GERDAY et al.

Application No.: 10/803,055

Confirmation No.: *Unassigned*

Filed: March 18, 2004

For: COLD-ACTIVE BETA  
GALACTOSIDASE, THE PROCESS  
FOR ITS PREPARATION AND THE  
USE THEREOF

Art Unit: *Unassigned*

Examiner: *Unassigned*

Atty. Docket No.: 31601-201282

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**PETITION UNDER 37 C.F.R. § 1.182**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-referenced application was inadvertently filed without drawings #1-6 which were filed in the parent application 09/501,136, now USP 6,727,084.

However, applicants incorporated the parent application by reference in its entirety (including the drawings) when filing the above-referenced divisional application. Therefore, applicants maintain that re-filing those drawings in the present application does not constitute new matter, and request that the drawings be entered into the file.

Furthermore, in view of the above, applicants maintain that a resubmission of the drawings is not required for a filing date, and respectfully request that the present application be accorded the original filing date of March 18, 2004.

04/08/2005 MBEYENE1 00000152 220261 10803055

01 FC:1462 400.00 DA

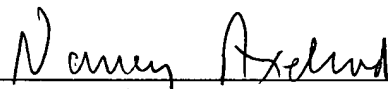
Enclosed with this Petition are:

1. A copy of the formal drawings, as originally filed in the parent application, 09/501,136, now USP 6,727,084, and the requisite cover sheet for filing the drawings.
2. Please charge our deposit account no. 22-0261, the Petition fee of \$400, as required by 37 CFR § 1.17(f).
3. A copy of the Notice of Incomplete Nonprovisional Application.

Should no remittance be attached, or should any greater or lesser fee be required, please charge or credit our Account No. 22-0261 and advise us accordingly.

Respectfully submitted,

Date: April 6, 2005

  
Nancy J. Axelrod  
Registration No. 44,014  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax: (202) 344-8300

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PATENT TRADEMARK OFFICE

**REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL  
APPLICATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Nonprovisional Application mailed on March 16, 2005, enclosed are formal drawings #1-6.

These drawings should be inserted into the application, and the application should be accorded a filing date of March 18, 2004, for the reasons indicated in the accompanying Petition.

Enclosed with this Reply are:

1. A Petition under 37 CFR 1.182.
2. A copy of the formal drawings, as originally filed in the parent application, 09/501,136, now USP 6,727,084, and the requisite cover sheet for filing the drawings.

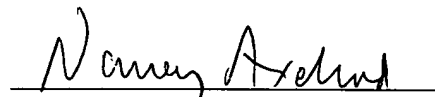
3. Please charge our deposit account, 22-0261, the Petition fee of \$400, as required by 37 CFR 1.17(f)).

4. A copy of the Notice of Incomplete Nonprovisional Application.

Should no remittance be attached, or should any greater or lesser fee be required, please charge or credit our Account No. 22-0261 and advise us accordingly.

Respectfully submitted,

Date: April 6, 2005



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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Art Unit: *Unassigned*

Examiner: *Unassigned*

Atty. Docket No.: 31601-201282

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**SUBMISSION OF FORMAL DRAWINGS**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

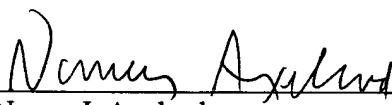
Sir:

Submitted herewith is one set (4 sheets, 6 figures) of formal drawings for filing in the above-identified application. Kindly submit the enclosed formal drawings with the originally filed application.

Should no remittance be attached, or should any greater or lesser fee be required, please charge or credit our Account No. 22-0261 and advise us accordingly.

Respectfully submitted,

Date: April 6, 2005

  
\_\_\_\_\_  
Nancy J. Axelrod  
Registration No. 44,014  
VENABLE LLP  
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Telefax: (202) 344-8300

PTO  
APR 06 2005  
PATENT & TRADEMARK OFFICE

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/803,055	
	<b>Filing Date</b>	March 18, 2005	
	<b>First Named Inventor</b>	Charles GERDAY et al.	
	<b>Group Art Unit</b>	Unassigned	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	12	<b>Attorney Docket Number</b>	31601-201282

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Notice of Incomplete Nonprovisional Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) (4 Sheets; Figs. 1a, 1b, 2, 3, 4, 5 and 6) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 C.F.R. § 1.182 <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Submission of Formal Drawings</b>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
<b>Firm or Individual name</b>	Venable P.O. Box 34385 Washington, D.C. 20043-9998	<b>26694</b> PATENT TRADEMARK OFFICE
<b>Signature</b>	Nancy J. Axelrod, Registration No. 44,014	
<b>Date</b>	April 6, 2005	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date: _____			
<b>Typed or printed name</b>			
<b>Signature</b>		<b>Date</b>	

**VENABLE**  
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, 22313-1450.  
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# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 400

## Complete if Known

Application Number	10/803,055
Filing Date	March 18, 2004
First Named Inventor	Charles GERDAY et al.
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No.	31601-201282

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
- Deposit Account Number: 22-0261
- Deposit Account Name: Venable LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☒ Other: Deposit Account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee(\$)	Small Fee Code	Entity Fee(\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
1081	250	2081	125	Utility App. Size Fee	
1082	250	2082	125	Design App Size Fee	
1083	250	2083	125	Plant App. Size Fee	
1084	250	2084	125	Reissue App Size Fee	
1085	250	2085	125	Prov. App Size Fee	

SUBTOTAL (1)

(\$0)

### 2. EXTRA CLAIM FEES

Total Claims	-20 **	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims	-3**	=		X		=	
Multiple Dependent		=		X		=	

Large Fee Code	Entity Fee(\$)	Small Fee Code	Entity Fee(\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2204	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims in excess of three
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

## FEE CALCULATION (continued)

Fee Code	Lrg Ent Fee (\$)	Fee Code	Sm Ent Fee (\$)	Fee Description	Fee Paid
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2215	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	

Other fee (specify) Petition Under 37 C.F.R. Section 1.182

\$400

\*Reduced by Basic Filing Fee Paid

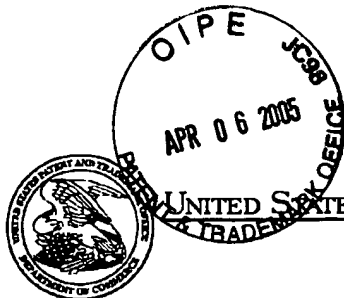
SUBTOTAL (3)

(\$400)

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY Complete (if applicable)

Name (Print/Type)	Nancy J. Axelrod, Ph.D.	Reg No. Attorney/Agent)	44,014	Telephone	202-344-4000
Signature	<i>Nancy Axelrod</i>	Date:	April 6, 2005		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/803,055	03/18/2004	Charles Gerday	31601-201282 <i>TGW</i>

CONFIRMATION NO. 8742

26694  
 VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP  
 P.O. BOX 34385  
 WASHINGTON, DC 20043-9998

## FORMALITIES LETTER



\*OC000000015477580\*

31601- DOCKETED

CLIENT/MATTER # *201282* ATTY *TGW*  
 DUE DATE *May 16, 2005*  
 FINAL DEADLINE *Oct 16, 2005*  
 DATED BY *[signature]*

Date Mailed: 03/16/2005

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

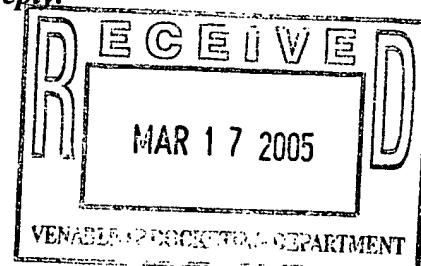
The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$400.00 petition fee (37 CFR 1.17(f)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.

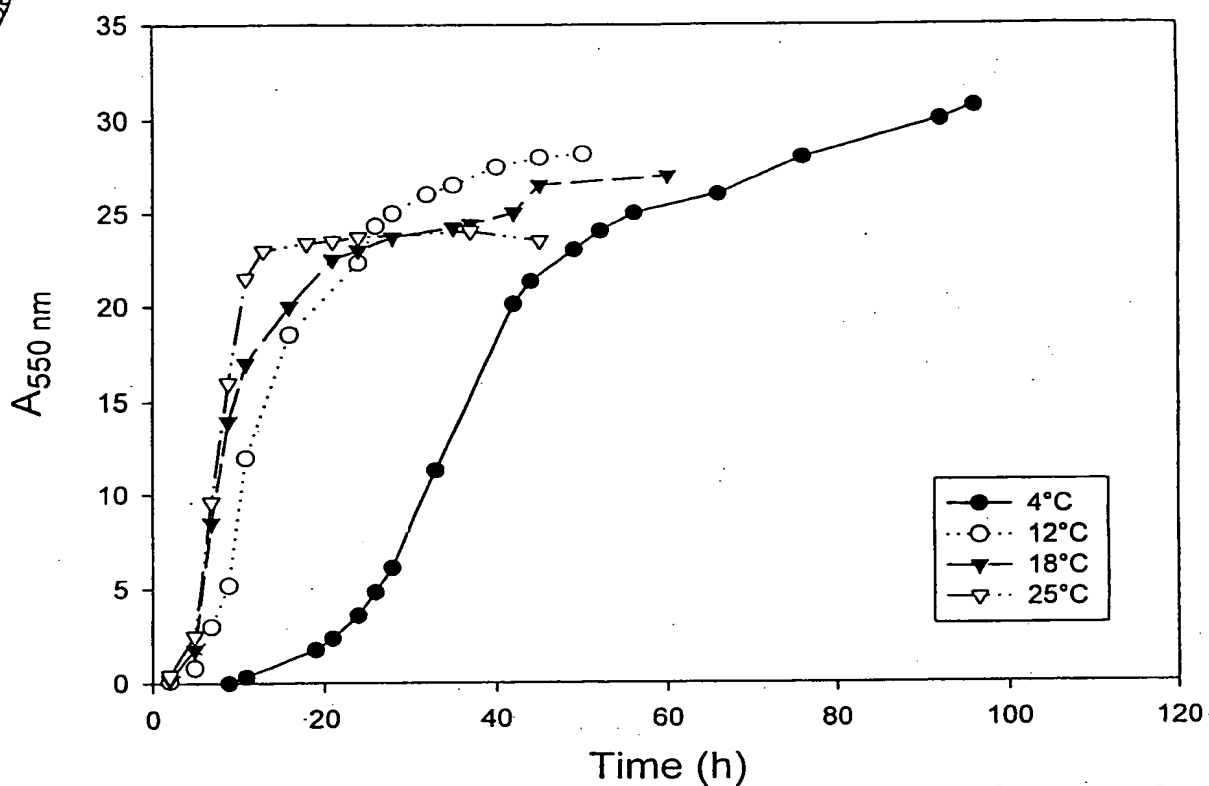
*B. Habtemichael*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202



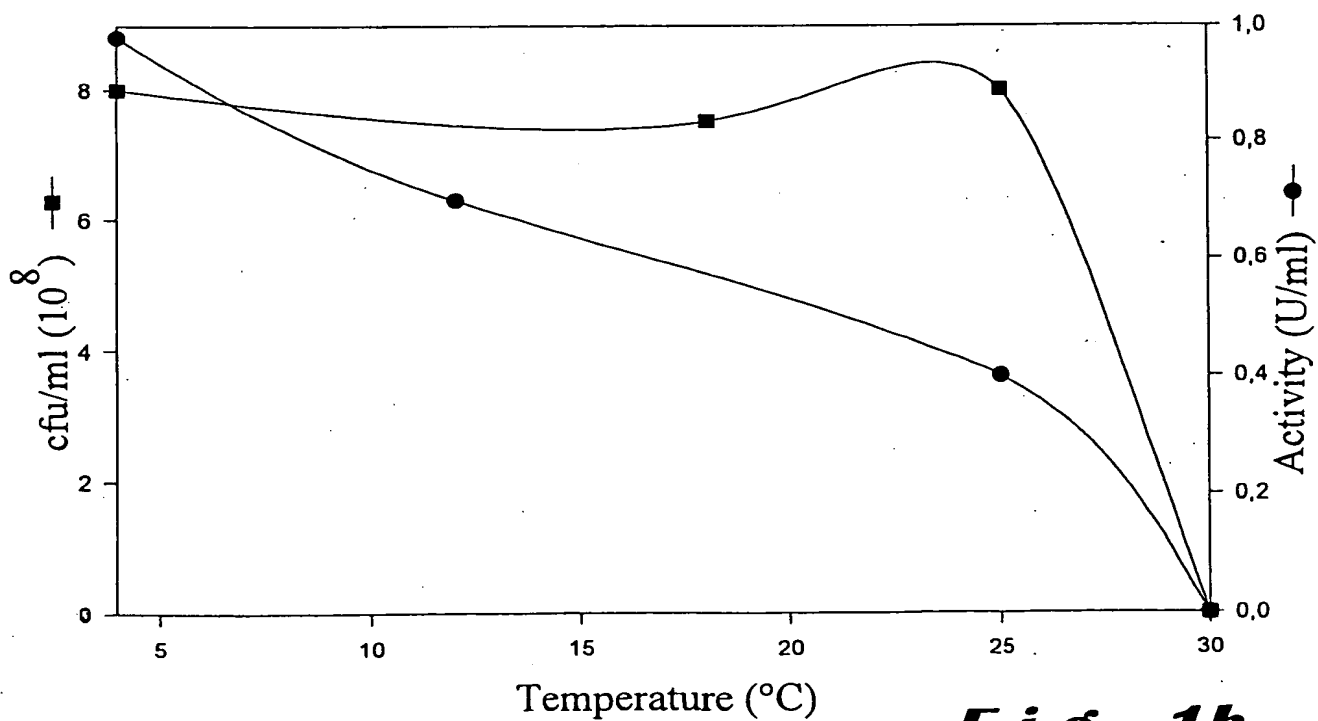




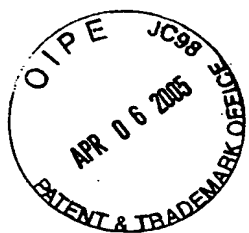
Inventor: Charles GERDAY et al.  
Title of Invention: "COLD-ACTIVE BETA  
GALACTOSIDASE, THE PROCESS FOR ITS  
PREPARATION AND THE USE THEREOF"  
Attorney Docket No.: 31601-201282  
VENABLE



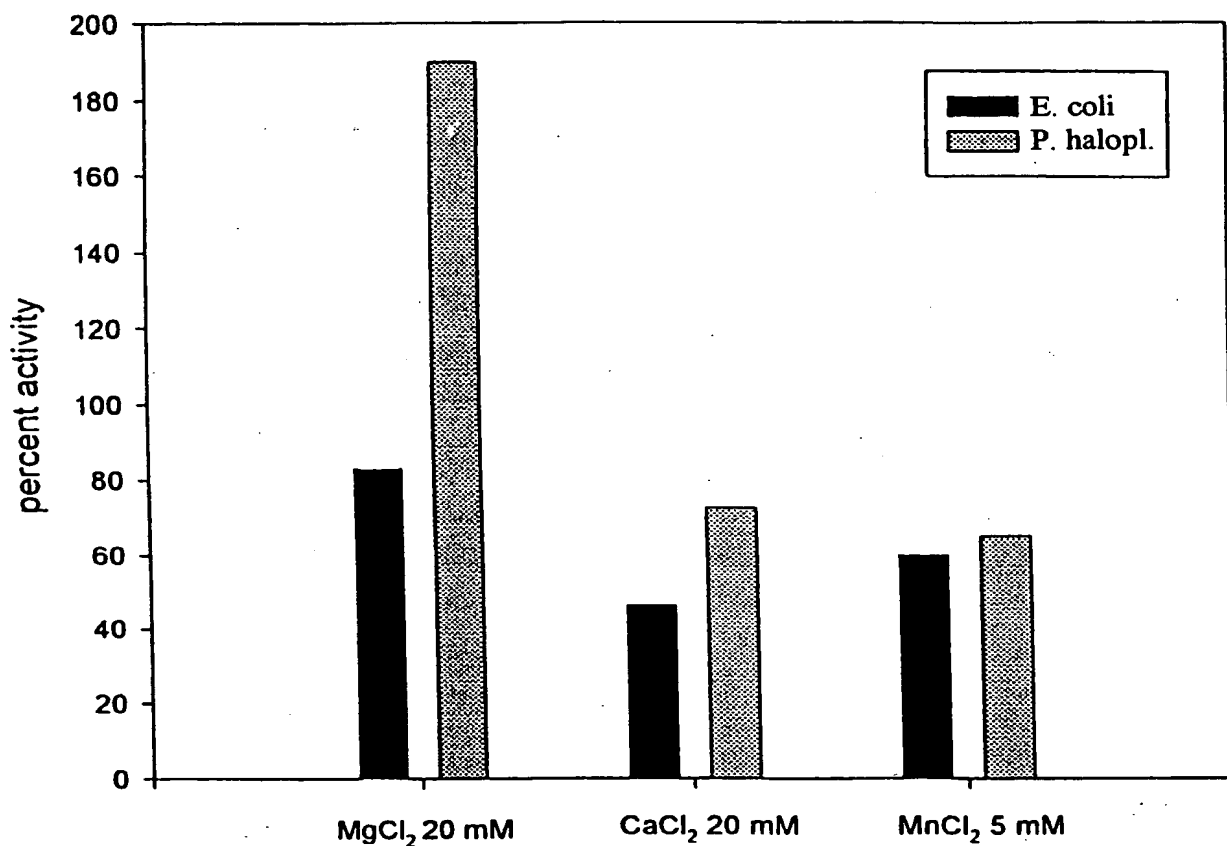
**Fig. 1a**



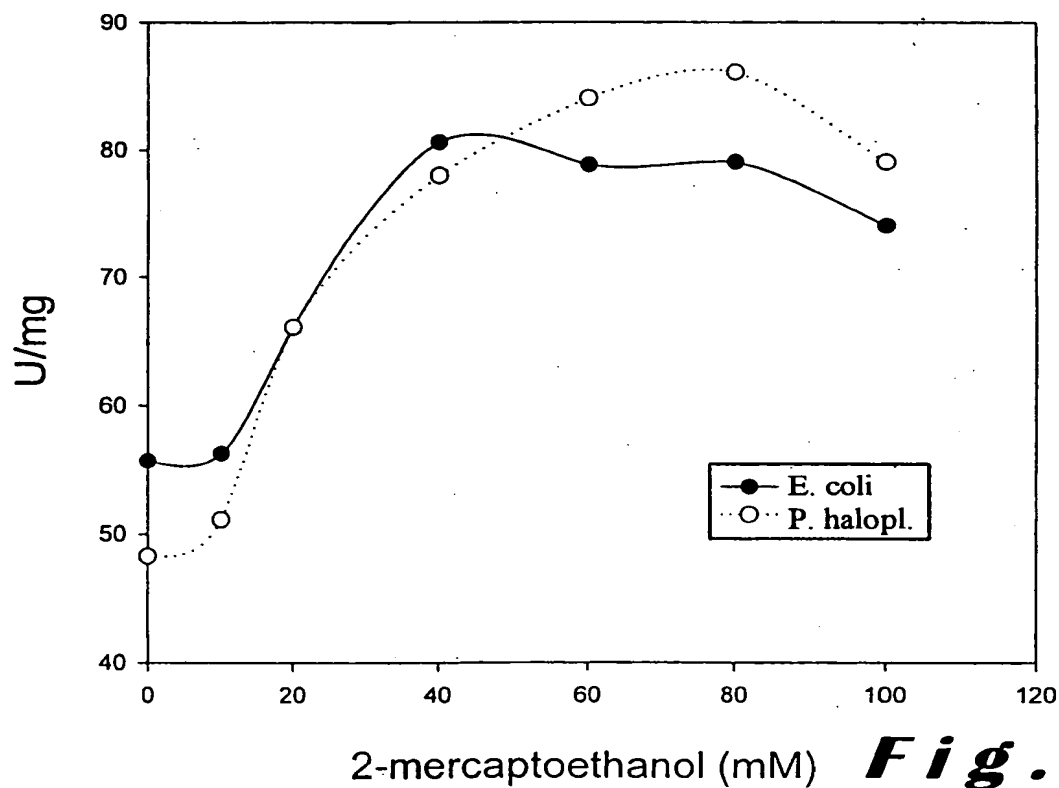
**Fig. 1b**



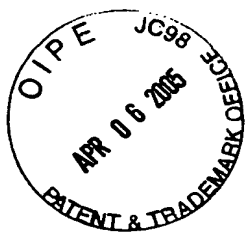
Inventor: Charles GERDAY et al.  
Title of Invention: "COLD-ACTIVE BETA  
GALACTOSIDASE, THE PROCESS FOR ITS  
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Attorney Docket No.: 31601-201282  
VENABLE



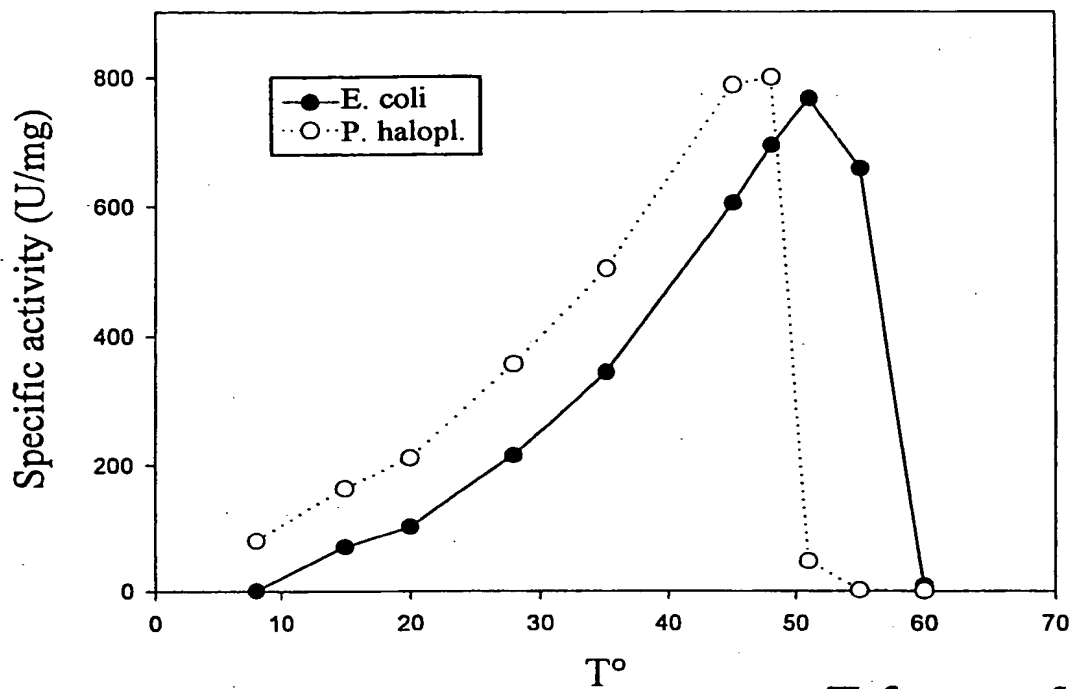
**Fig. 2**



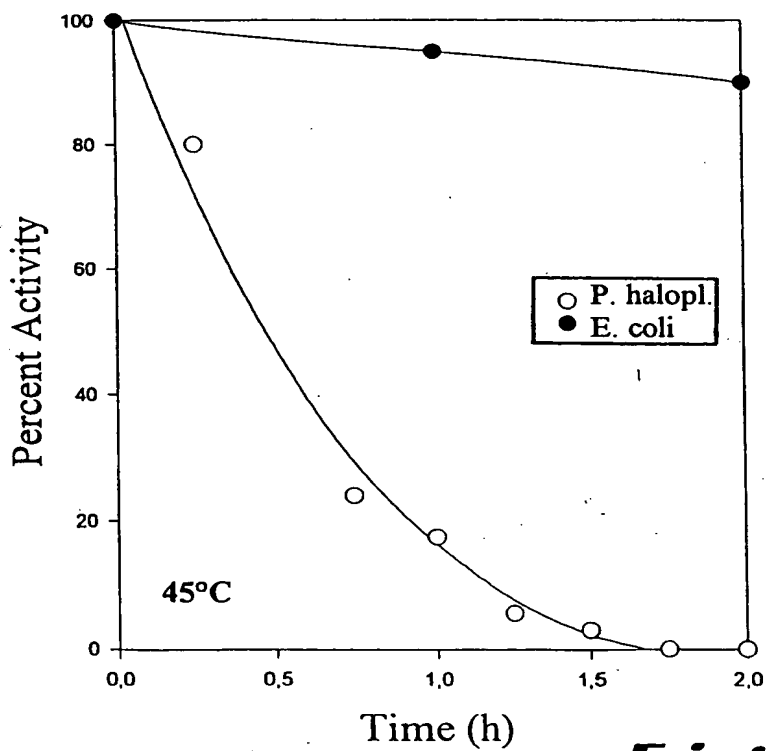
**Fig. 3**



Inventor: Charles GERDAY et al.  
Title of Invention: "COLD-ACTIVE BETA  
GALACTOSIDASE, THE PROCESS FOR ITS  
PREPARATION AND THE USE THEREOF"  
Attorney Docket No.: 31601-201282  
VENABLE



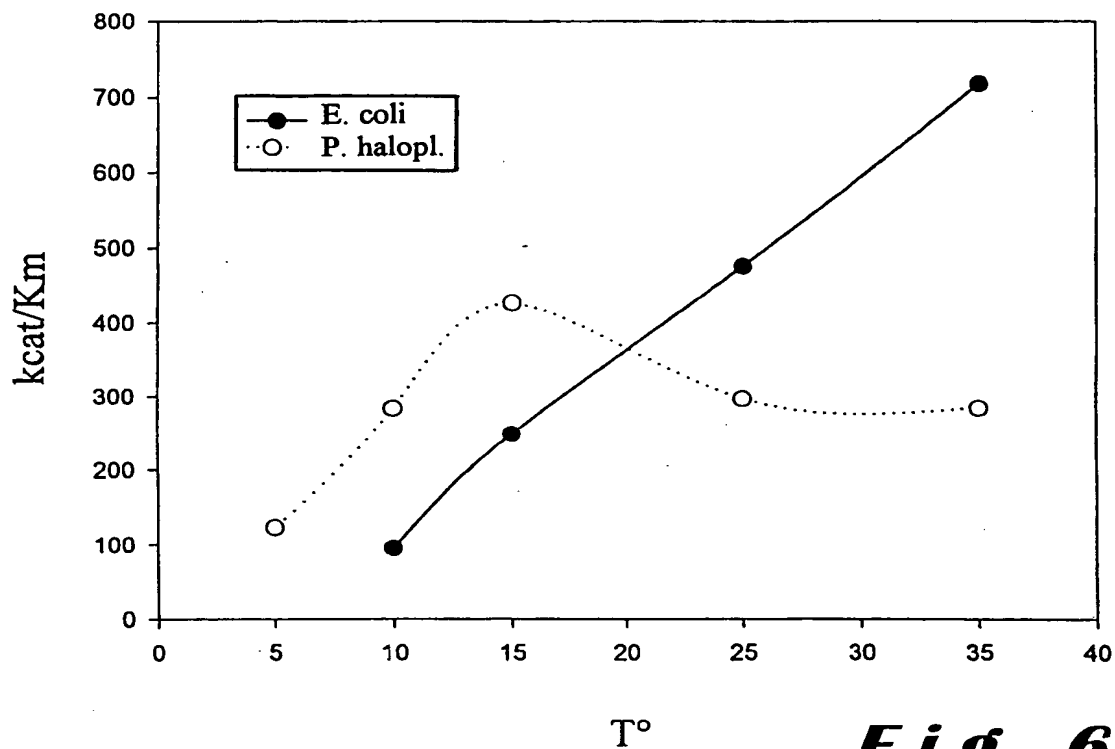
**Fig. 4**



**Fig. 5**



Inventor: Charles GERDAY et al.  
Title of Invention: "COLD-ACTIVE BETA  
GALACTOSIDASE, THE PROCESS FOR ITS  
PREPARATION AND THE USE THEREOF"  
Attorney Docket No.: 31601-201282  
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**Fig. 6**